

## **REMARKS**

This is a full and timely response to the non-final Office Action mailed October 18, 2007.

Claims 1 – 22 remain pending. Applicants have amended claims 1 and 21 as indicated above.

Applicants respectfully request that the application and all pending claims be reconsidered and allowed.

I. Rejection Under 35 U.S.C. 102

The Office Action rejects claims 1 – 6, 10, 12 – 14 and 16 under 35 U.S.C. 102(e) as allegedly being anticipated by U.S. Patent No. 6,473,500 to Risafi *et al.* ("Risafi"). The Applicants respectfully submit that the claims are not anticipated by Risafi and, therefore, the rejection should be withdrawn.

Independent claim 1 recites the element or feature of the terminal processor being operable to "obtain an authorization from said server to provide the selected financial service and for creating the financial account, the authorization including applying underwriting criteria to the session data". The session data extracted from the data source is applied to the underwriting criteria to determine whether the terminal has been authorized to provide the selected financial service. Risafi does not disclose, teach, or suggest this feature. The terminal disclosed in Risafi is merely operable to activate the prepaid card account. There is not an authorization process because all cards are activated. Furthermore, even assuming for the sake of argument that Risafi's activation is indistinguishable from the claimed authorization, the Applicants amended independent claim 1 to further clarify that the authorization of the terminal to provide the selected financial service includes applying underwriting criteria to the session data. Risafi clearly does not disclose, teach, or suggest this additional feature.

For at least this reason, the rejection of independent claim 1 should be withdrawn and the claim allowed. The rejection of dependent claims 2 – 6, 10, 12 – 14, and 16 (which depend from independent claim 1) should also be withdrawn and the claims allowed for at least the reason that these claims include all of the elements of the corresponding base claim. Accordingly Applicants respectfully request that the rejection of claims 1 – 6, 10, 12 – 14 and 16 be withdrawn and the claims allowed.

II. Rejections Under 35 U.S.C. 103

The Office Action rejects the remaining claims (claims 7, 11, 15, and 17 – 22) under 35 U.S.C. 103 as allegedly being unpatentable over Risafi in view of one or more additional references. Of these claims, claims 17 and 21 are independent claims. Dependent claims 7, 11, and 15 are patentable over the cited references for at least the reason that they include the features of the base independent claim (claim 1) as described above.

The Office Action rejects claim 17 as allegedly being unpatentable over Risafi in view of U.S. Patent No. 5,987,429 to Martizen (“Martizen”). The Office Action rejects claim 21 over Risafi in view of U.S. Patent Application Publication No. 2003/0036998 to Allitson *et al.* (“Allitson”). The Applicants respectfully assert that independent claims 17 and 21 are patentable over Risafi in view of the corresponding secondary references for at least the reason that the claims recite features or elements not disclosed, taught, or suggested by any of the references. Applicants do not concede that the Office Action has established a legally-sufficient case for combining the references. Nonetheless, to avoid delay in minimizing disputed issues, Applicants submit that the rejections are improper for at least the reason that the references cited in support of the rejection fail to disclose, teach, or suggest all of the claim elements.

Independent claim 17 is directed to a method for providing financial services to a customer. The method involves providing a financial terminal to a merchant. The method recites the feature of compensating the merchant with a portion of the fee collected from the customer for performing a financial service via the financial terminal. The Office Action acknowledges that this feature is not disclosed, taught, or suggested by Risafi. The Office Action alleges that this feature is disclosed by Martizen at Col. 2, ll. 50 – 56 and the Abstract. The Applicants respectfully disagree. A proper reading of the cited portions of Martizen clearly shows that this feature is not present. Martizen provides a solution to the problem of tracking fees (e.g., taxes or contractual fees) associated with an electronic commerce transaction that has multiple phases or events across multiple locations or jurisdictions in which tax laws differ. Martizen does not disclose, teach, or suggest providing a financial terminal to a merchant and compensating the merchant with a portion of fees collected from providing a financial service via the terminal.

For at least this reason, the rejection of independent claim 17 should be withdrawn and the claim allowed. The rejection of dependent claims 18 – 20 (which depend from independent claim 17) should also be withdrawn and the claims allowed for at least the reason that these claims include all of the elements of the corresponding base claim. Accordingly Applicants respectfully request that the rejection of claims 17 – 20 be withdrawn and the claims allowed.

Independent claim 21 is directed to a system for providing financial services comprising a terminal and a server coupled to the terminal. Independent claim 21 has been amended as indicated above by adding the additional element of the server being operable to “alter a parameter of the financial account based on aggregated data from other financial accounts and a risk model”. The Applicants respectfully submit that neither Risafi nor Allitson disclose, teach,

or suggest this additional feature. As mentioned above, Risafi discloses activating a prepaid card via communications between the terminal and the server. Risafi does not alter the prepaid card account, other than to manage the stored value and, furthermore, does not aggregate data from other financial accounts or make any mention of a risk model. Allitson clearly does not correct this deficiency.

For at least this reason, the rejection of independent claim 21 should be withdrawn and the claim allowed. The rejection of dependent claim 22 (which depends from independent claim 21) should also be withdrawn and the claim allowed for at least the reason that the claim includes all of the elements of the corresponding base claim. Accordingly Applicants respectfully request that the rejection of claims 21 and 22 be withdrawn and the claims allowed.

## CONCLUSION

For at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the pending claims 1 - 22 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are requested. If in the opinion of the Examiner a telephonic conference would expedite examination of this application, the Examiner is invited to call the undersigned attorney at 813-382-9345.

Respectfully submitted,

/Adam E. Crall/

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### CERTIFICATE OF MAILING

I hereby certify that this correspondence, including any items indicated as attached or included, is being electronically submitted to the United States Patent & Trademark Office via the Electronic Filing System on the date indicated below.

Date: January 18 , 2007

/Adam E. Crall/

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Signature